

IN THE MATTER OF  
THE APPLICATION OF  
JOHN AMOS SMITH, ET UX  
FOR A ZONING VARIANCE ON THE  
PROPERTY LOCATED ON THE EASTERN  
SIDE OF GUNPOWDER ROAD, APPROX  
2850' SOUTHWEST OF FORESTON  
ROAD (18601 GUNPOWDER ROAD)  
5th ELECTION DISTRICT  
3rd COUNCILMANIC DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
CASE NO. 89-84-A

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OPINION

This matter comes before the Board as an appeal of the Order of Zoning Commissioner Haines dated September 29, 1988 which granted, with restrictions, a Petition for variances. The Petitioners, John Amos Smith and Frances E. Smith, are the property owners of a one-half acre site located at 18601 Gunpowder Road in the northern section of Baltimore County. The property is currently improved with a dwelling house, garage and 10' x 10' concrete slab. The Petitioners have requested a variance from side yard setback requirements to permit a 10' foot setback in lieu of the required 50 feet and a variance to permit a 15% lot coverage by impermeable surface in lieu of the permitted 10%.

Subsequent to the filing of the appeal from Commissioner Haines' Order by People's Counsel, the parties negotiated an agreement modifying the proposed property improvements to the site. Specifically, the existing garage and concrete slab are to be removed. The dwelling house, however, will be enlarged by a two-story addition and attached garage and an outdoor pool will be added. The proposed amendments are agreed to by the People's Counsel, the property owners, and the Office of Planning and Zoning. No Protestants appeared either before the Board or the Zoning Commissioner in opposition to the proposed expansion of the improvements on the site.

Case No. 89-84-A  
John Amos Smith, et ux

Although the Board is reluctant to allow variances for impermeable surfaces in R.C.4 zones, it is persuaded to do so in this case. Unlike other lots in the area, the subject site is small (20,000 + sq. ft.). Thus, the improvements do not constitute a large impermeable surface area. As to the side yard variance, it should be noted that the nearest house is 650 feet away and the site is within a rural area. For these reasons, the Board will grant, with restrictions, the Petition for variances.

#### ORDER

Upon considering the proffers of the parties and the exhibits received into evidence, it is this 16th day of February, 1989, by the County Board of Appeals of Baltimore County, ORDERED that the property owners' Petition for variance from side yard setback requirements and Petition for variance from impermeable surface requirements within an R.C.4 zone are hereby GRANTED subject to the following:

1. All improvements to the property shall expressly conform to the descriptions and plats contained within Joint Exhibit Nos. 1 and 2.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman  
Lynn B. Moreland  
Lynn B. Moreland

IN RE: PETITION FOR ZONING VARIANCE  
E/S Gunpowder Road, 2850'  
SW of Foreston Road  
(18601 Gunpowder Road)  
5th Election District  
3rd Councilmanic District

• BEFORE THE  
• ZONING COMMISSIONER  
• OF BALTIMORE COUNTY

John Amos Smith, et ux  
Petitioners

Case No. 89-84-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit side yard setbacks of 10 feet each in lieu of the required 50 feet for a proposed two-story addition, a proposed one car garage and patio addition, and a proposed swimming pool; and to permit 15% lot coverage by impermeable surfaces in lieu of the maximum permitted 10%, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of September, 1988 that the Petition for Zoning Variance to permit side yard setbacks of 10 feet each in lieu of the required 50 feet for a proposed two-story addition, a proposed one car garage and patio addition, and a proposed swimming pool; and to permit 15% lot coverage by impermeable surfaces in lieu of the maximum permitted 10%, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

JRH:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
JN-3333  
J. Robert Haines  
Zoning Commissioner

September 29, 1988

Mr. & Mrs. John A. Smith  
18601 Gunpowder Road  
Hampstead, Maryland 21074

RE: PETITION FOR ZONING VARIANCE  
E/S Gunpowder Road, 2850' SW of Foreston Road  
(18601 Gunpowder Road)  
5th Election District - 3rd Councilmanic District  
John A. Smith, et ux - Petitioners  
Case No. 89-84-A

Dear Mr. & Mrs. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Mr. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1803.4.B.4., 1803.4.B.5. To allow side yard setbacks of 10 feet in lieu of the required 50 feet, and To allow 15% lot coverage by impermeable surfaces in lieu of the permitted 10%.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

see attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Legal Owner(s):

John Amos Smith  
John Amos Smith  
FRANCES ELIZABETH SMITH  
Frances Elizabeth Smith

18601 Gunpowder Rd  
Hampstead, Md. 21074  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day

of 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the petition be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 22nd day of September, 1988, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

ALL  
REVIEWED BY: DATE 6-29-89

and Mrs. John A. Smith  
18601 Gunpowder Road  
Hampstead, Maryland 21074

1. When I purchased the property in 1973, I was single and able to live within the small confines of the house, but I have since married and now have a wife and two children and must have additional living space.
2. When I purchased said property in 1973 I was never made aware of any restrictions on the property.
3. Garage has deteriorated to the point where it must be torn down and replaced. We are unable to do this because of the set-back.
4. The addition on the south end of the house has rotted over the years due to termites and weather conditions and must be replaced as soon as possible with something more substantial.
5. We cannot afford to move or to purchase another house and property so we have no choice but to improve and expand the one we have. The only way that we can follow through with the above is to obtain a variance on the zoning which has been changed since we purchased the property.

I can't get any building permits for any of the above until we obtain the variance mentioned.

We are asking for a 10 foot set-back in stead of the 50 foot set-back required.

Located on the east side of Gunpowder Rd (formerly Lower Beckleysville Rd) as recorded among the Land Records of Baltimore County in Liber RJS No 1459 Folio 360. Also known as # 18601 Gunpowder Rd.



RE: PETITION FOR VARIANCE  
E/S Gunpowder Rd., 2850' SW  
Foreston Rd. (18601 Gunpowder  
Rd.), 5th District  
JOHN AMOS SMITH, et ux,  
Petitioners

Case No. 89-84-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 18th day of August, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. John A. Smith, 18601 Gunpowder Rd., Hampstead, MD 21074, Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 25, 1988

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 22, 1988.

THE JEFFERSONIAN

\$37.50

*S. Zick*

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

89-84-A

District: 5th Date of Posting: August 30, 1988  
Posted for: Variance  
Petitioner: John Amos Smith et ux  
Location of property: E/S Gunpowder Road 2850' SW  
Foreston Road (18601 Gunpowder Road)  
Location of Sign: On front of 18601 Gunpowder Road  
Remarks:  
Posted by: *A. J. Patis* Date of return: September 2, 1988  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

Date: 9/8/88

Mr. & Mrs. John Amos Smith  
18601 Gunpowder Road  
Hampstead, Maryland

Re: Petition for Zoning Variance  
CASE NUMBER: 89-84-A  
E/S Gunpowder Road, 2850' SW Foreston Road  
(18601 Gunpowder Road)  
5th Election District - 3rd Councilmanic  
Petitioner(s): John Amos Smith, et ux  
HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Smith:  
Please be advised that \$83.62 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 315, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 059155  
DATE: 9/22/88 ACCOUNT: 8-01-615-000  
AMOUNT: \$83.62  
RECEIVED John Amos Smith  
FROM: *John Amos Smith*  
FOR: Posting & Advertising (89-84-A)  
B 102\*\*\*\*\*83621 62261

post set(s), there each set not

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

August 3, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-84-A  
E/S Gunpowder Road, 2850' SW Foreston Road  
(18601 Gunpowder Road)  
5th Election District - 3rd Councilmanic  
Petitioner(s): John Amos Smith, et ux  
HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 2:00 p.m.

Variance to allow side yard setbacks of 10 feet in lieu of the required 50 feet and to allow 15% lot coverage by impermeable surfaces in lieu of the permitted 10%.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: John Amos Smith, et ux  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

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CASE NUMBER: 89-84-A  
E/S Gunpowder Road, 2850' SW Foreston Road  
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5th Election District - 3rd Councilmanic  
Petitioner(s): John Amos Smith, et ux  
HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 2:00 p.m.

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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

November 2, 1988

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
E/S Gunpowder Road, 2850' SW of Foreston Road  
(18601 Gunpowder Road)  
5th Election District, 3rd Councilmanic District  
JOHN AMOS SMITH, ET UX - Petitioner  
Case No. 89-84-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on October 14, 1988 by Phyllis Cole Friedman and Peter Max Zimmerman of the People's Counsel. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. John A. Smith  
18601 Gunpowder Road, Hampstead, Maryland 21074

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Zoning Variance  
E/S Gunpowder Road, 2850' SW of Foreston Road  
(18601 Gunpowder Road)  
5th Election District - 3rd Councilmanic District  
JOHN AMOS SMITH, ET UX - Petitioner  
Case No. 89-84-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat for Zoning Variance (Lower Beckleysville Road)

Zoning Commissioner's Order dated September 29, 1988 (Granted w/ Restrictions)

Notice of Appeal received October 14, 1988 from People's Counsel

Mr. & Mrs. John A. Smith  
18601 Gunpowder Road, Hampstead, Maryland 21074

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Mastarowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Docket Clerk



RE: PETITION FOR VARIANCE  
 E. Gunpowder Rd., 2850'  
 SW of Foreston Rd., (18601  
 Gunpowder Rd.), 5th Election  
 Dist., 3rd Councilmanic Dist.  
 JOHN A. SMITH, et ux, Petitioners: Case No. 89-84-A

# NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of September 29, 1988, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

*Phyllis Cole Friedman*  
 Phyllis Cole Friedman  
 People's Counsel for Baltimore County

*Peter Max Zimmerman*  
 Peter Max Zimmerman  
 Deputy People's Counsel  
 Room 304, County Office Building  
 Towson, MD 21204  
 494-2188

I HEREBY CERTIFY that on this 14th day of October, 1988, a copy of the foregoing Notice of Appeal was mailed to Mr. and Mrs. John A. Smith, 18601 Gunpowder Road, Hampstead, MD 21074, Petitioners.

*Peter Max Zimmerman*  
 Peter Max Zimmerman

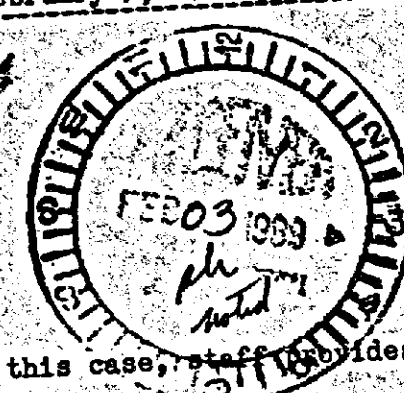
RECEIVED  
 PAYMENT  
 10-14-88 (OK-CEC)  
 ZONING OFFICE

## JOINT EX-1 BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Peter M. Zimmerman, Attorney  
 TO Deputy People's Counsel  
 Pat Keller, Deputy Director  
 FROM Office of Planning and Zoning  
 John Smith  
 SUBJECT Zoning Petition No. 89-84-A

Date February 2, 1989



In response to the Board of Appeals hearing regarding this case, staff provides the following amended comments:

- The petitioner has worked closely with staff to evaluate alternate site designs that would reduce the overall lot coverage of this tract as close to the 10% lot coverage as required in the R.C.4 zone. The petitioner has been cooperative in attempting to reconcile this issue.
- The petitioner's parcel is located within an R.C.4 (watershed protection) zone that requires a minimum lot size of three acres, and a lot coverage of 10%. The parcel in question is a lot of record approximately 20,000 square feet in size (less than 1/2 of an acre). The allowable lot coverage for this parcel would be 2,000 sq. ft. The petitioner has worked with staff to reach a lot coverage reduction from 16% to 13%. In order to reach this requirement, the applicant will be eliminating two proposed decks, removing a concrete pad, and an existing garage. It should be noted, however, that the proposed garage will actually be expanding in size and further encroaching into the side yard. A list of comparative lot coverages has been provided below:

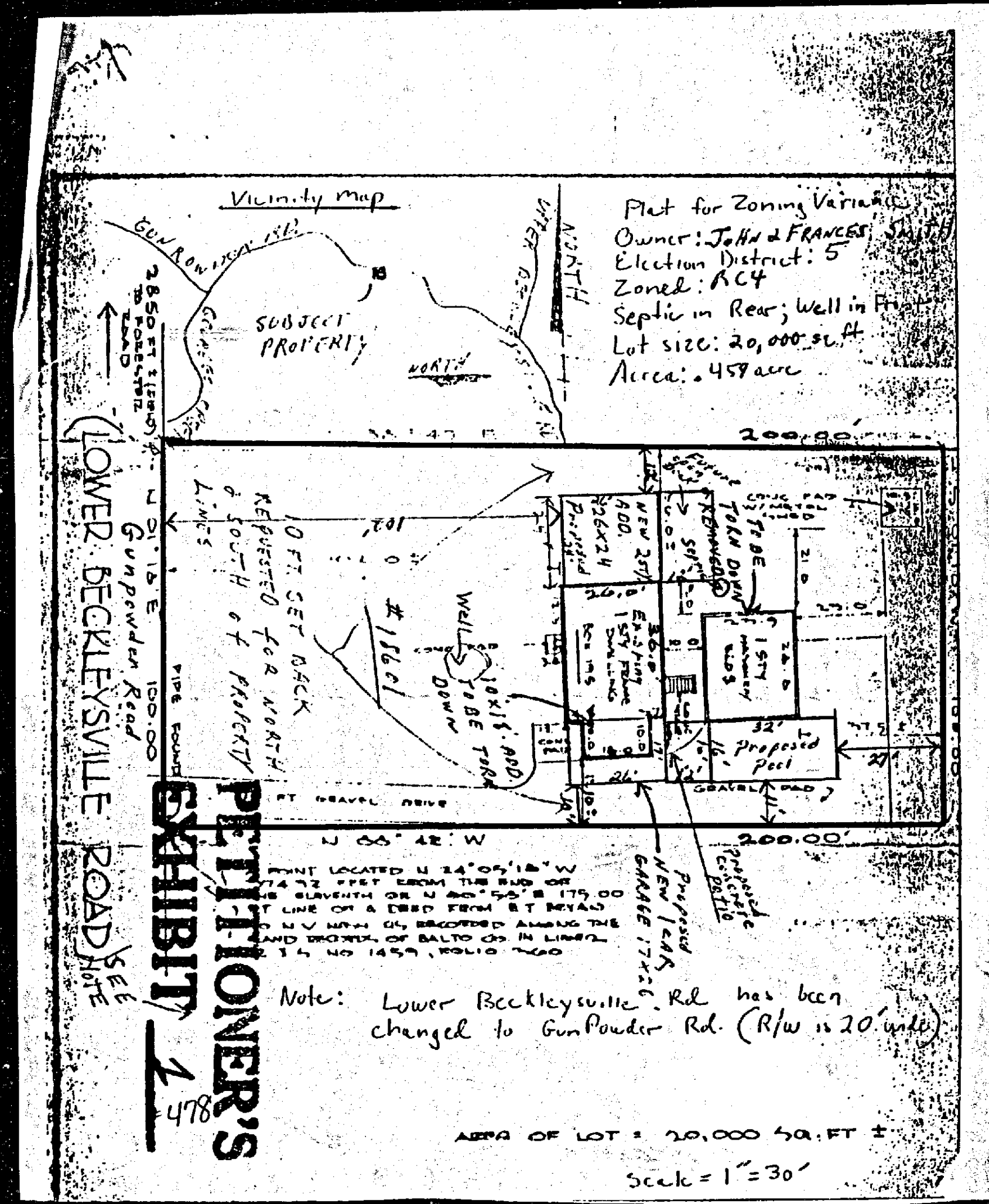
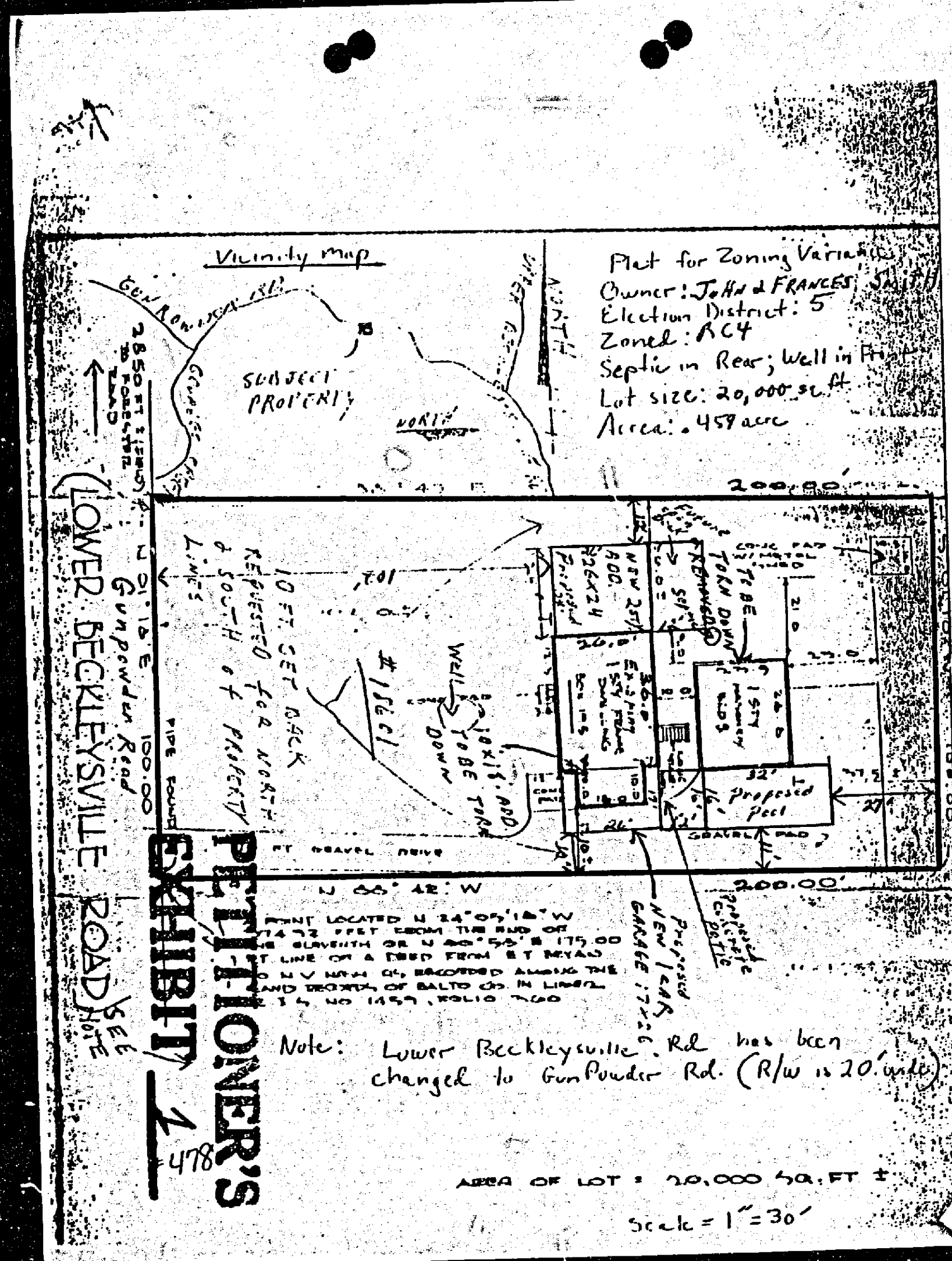
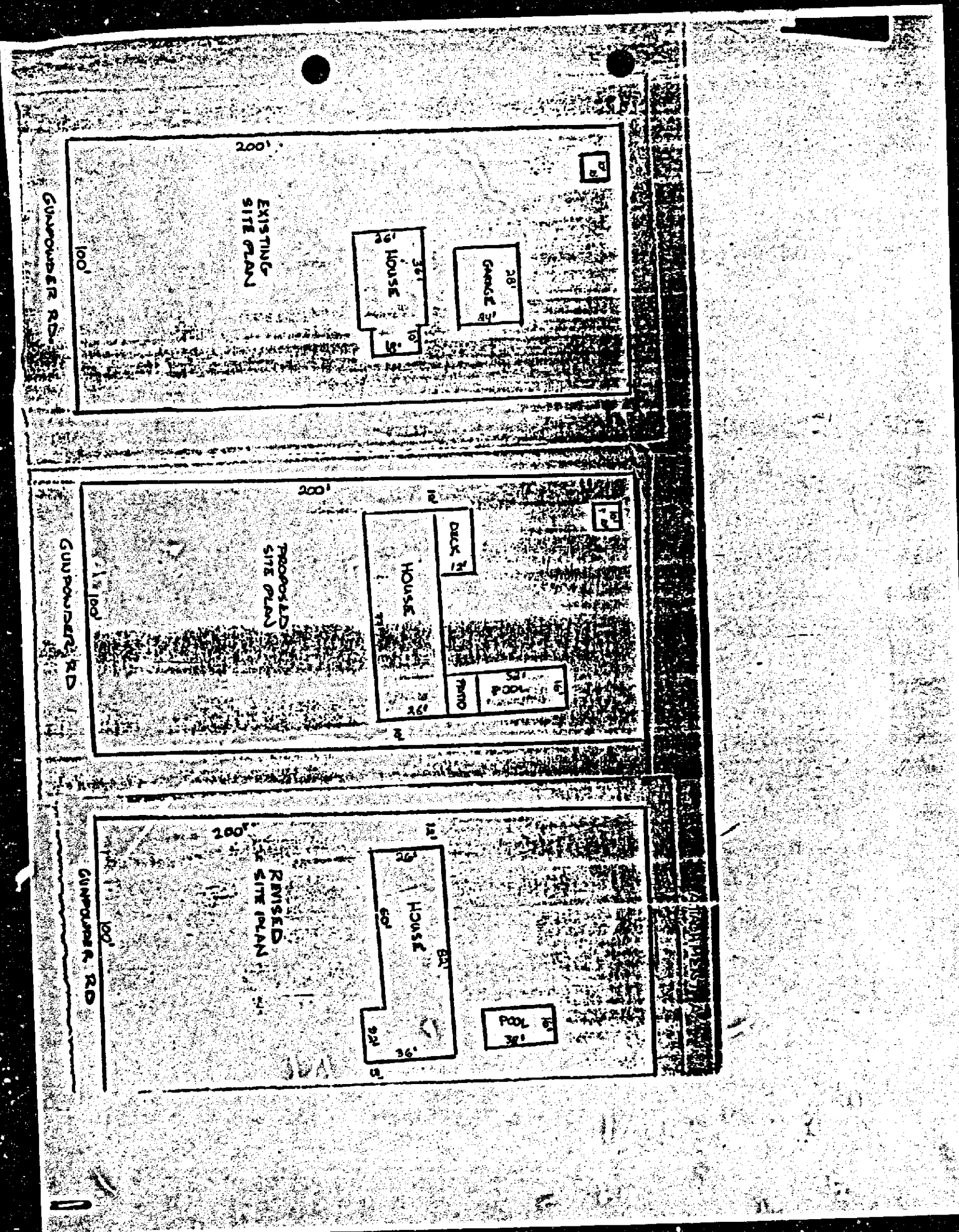
Existing Home	1,116	936	936
Two-story Addition	-	624	624
Garage Addition	-	442	792
Pool and Patio	-	704	512
Deck	-	288	-
Concrete Patio	100	100	-
Front Patio Walkway	-	-	(pervious paving)
Masonry Garage	672	-	-
	1,888 sq.ft. (9%)	3,094 sq.ft. (16%)	2,864 sq.ft. (13%)

Zoning Petition No. 89-84-A  
 February 2, 1989  
 Page Two

Based upon the unusually small lot size in this case, and the applicant's willingness to reduce the lot coverage, staff recommends that the Board of Appeals approve the amended site plan and allow the applicant a side yard setback of 5 feet for the garage on the east side of the property.

PK/af

Attachment





BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
19th day of July, 1988

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: John A. Smith, et ux  
Petitioner's Attorney: \_\_\_\_\_

Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING 89-84-A  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 5th Date of Posting: November 1, 1988

Posted for: *Appeal*

Petitioner: *John A. Smith, et ux*

Location of property: *E/S Gunpowder Rd., 2850' SW of Foreston Rd.  
(18601 Gunpowder Rd.)*

Location of sign: *In front of 18601 Gunpowder Rd.*

Remarks: \_\_\_\_\_

Posted by: *S. J. Brata* Date of return: *November 18, 1988*

Number of Signs: *1*

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Smith Property  
Zoning Petition No. 89-84-A

Date: August 30, 1988

The Office of Planning and Zoning has no comment regarding the subject property.

PK/af

*cc: Mr. John A. Smith  
9/8/88*

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE  
September 16, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. & Mrs. John A. Smith  
18601 Gunpowder Road  
Baltimore, Maryland 21074

RE: Item No. 478 - Case No. 89-84-A  
Petitioner: John A. Smith, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Smith:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
July 19, 1988

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # *478* Zoning Advisory Committee Meeting of *July 12, 1988*

Property Owner: *John A. Smith*

Location: *E/S Gunpowder Rd.* District: *5*

Water Supply: *private* Sewage Disposal: *private*

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charcoal-broiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to testing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. Every enclosed underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_ conducted.
- ( ) The results are valid until \_\_\_\_\_.
- ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until \_\_\_\_\_.
- ( ) If not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Board Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

Others: *Condition and location of the sewage disposal system must be determined prior to Bldg. permit approval*

*John A. Smith*  
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

APPEAL

Petition for Zoning Variance  
E/S Gunpowder Road, 2850' SW of Foreston Road  
(18601 Gunpowder Road)  
5th Election District - 3rd Councilmanic District  
JOHN AMOS SMITH, ET UX - Petitioner  
Case No. 89-84-A

Var. - To allow side yd. setbacks of 10' in lieu of the req. 50', and to allow 15% lot coverage by impermeable surfaces in lieu of permitted 10%.

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat for Zoning Variance (Lower Beckleysville Road)

Zoning Commissioner's Order dated September 29, 1988 (Granted w/ Restrictions)

Notice of Appeal received October 14, 1988 from People's Counsel

Mr. & Mrs. John A. Smith  
18601 Gunpowder Road, Hampstead, Maryland 21074

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Nastarowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Docket Clerk

*a. Jablon*

Baltimore County  
Fire Department  
Towson, Maryland 21204-2536  
494-4500

Paul H. Reincke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

July 15, 1988

Re: Property Owner: John Smith, et ux

Location: E/S Gunpowder Rd., 2850' SW of Foreston Rd.  
18601 Gunpowder Road

Item No.: 478 Zoning Agenda: Meeting of 7/12/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/31

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 406  
Towson, Maryland 21204  
494-3554

August 3, 1988

*Dennis F. Rasmussen*  
Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 449, 472, 473, 477, *(478)* 479, 481, 483, 484, 485 and 486.

Very truly yours,  
*Stephen E. Weber*  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEM/RF/lwb

RECEIVED  
AUG 8 1988  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND JOINT EX-3  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: John and Frances Smith  
Zoning Petition No. 89-84-A

Date: September 12, 1988

The applicant is requesting the reduction of required side yard setbacks and the increase of permeable lot coverage from 10% to 15% to 15% (15% lot coverage) and the increase of permeable lot coverage from 10% to 15% to 15% (15% lot coverage) expansion of an existing home. The applicant's parcel is zoned R.C.4 (Watershed Protection) and is approximately 20,000 square feet in size (.459 acre). Based upon information provided and analysis conducted, staff provides the following information:

- The R.C.4 zone was designed to protect the watersheds of three regional impoundments serving Baltimore County and City. This zone is a very low density residential zone with a minimum lot size requirement of 3 acres and a tract density of .2 (5 acres per 1 dwelling). The lot coverage may not exceed 10% in permeable surface.
- The applicant's home is situated at the rear of the parcel. The lot coverage is described as follows:

- Existing masonry building	672 sq. ft.
- Existing home	936 sq. ft.
- Two-story addition	624 sq. ft.
- Garage	442 sq. ft.
- Pool and patio	704 sq. ft.
- Deck	288 sq. ft.
<b>TOTAL</b>	<b>3,378 sq. ft.</b>

Existing lot coverage (includes garage) 1,788 sq. ft. 9%

Proposed lot coverage 3,378 sq. ft. 17%

The applicant's parcel is smaller in size (.459 acre) than the required 3 acre minimum parcel size required in the R.C.4 zone. The overriding concern of watershed protection and quality via the maintenance of a maximum lot coverage is critical. The Office of Planning and Zoning strongly urges that the applicant to redesign the site in order to maintain impervious lot coverage as close to 10% as possible.

PK/af

CPS-008



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Peter Max Zimmerman  
TO: Deputy People's Counsel  
Lawrence E. Schmidt  
FROM: County Board of Appeals  
Board's Opinion and Order -  
SUBJECT: Case No. 89-84-A (John Amos Smith, et ux)

Date: February 21, 1989

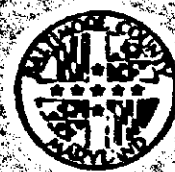
Pete:

I have reviewed the Opinion regarding John Amos Smith and am inclined not to alter same. The sentence to which you object within the first paragraph of the body of the Opinion comes straight off the Petition filed before the Zoning Commissioner. Although the Petitioners have changed their request, it is generally my practice to state within the Opinion what is requested on the Petition. Additionally, it is clear within the Order that all improvements to the property shall expressly conform with the exhibits.

*(LCS)*  
Lawrence E. Schmidt

LES:kcw

CP5-008



# County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 494-3180

February 16, 1989

Peter Max Zimmerman  
Deputy People's Counsel  
Room 304  
County Office Building  
Towson, Maryland 21204

Re: Case No. 89-84-A  
John Amos Smith, et ux

Dear Mr. Zimmerman:

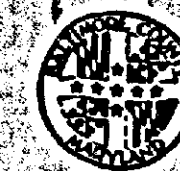
Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject case.

Sincerely,

*Linda M. Kuszmaul*  
Linda M. Kuszmaul  
Legal Secretary

Enclosure

cc: Mr. and Mrs. John Amos Smith  
P. David Fields  
Patrick Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
Docket Clerk  
Arnold Jablon, Esquire



# County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 494-3180

November 14, 1988

## NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-84-A

JOHN AMOS SMITH, ET UX

18601 Gunpowder Road

5th Election District

Variance-Side yd. setbacks of 10' in lieu of 50'.

9/29/88 - Z.C.'s Order-Granted w/restrictions

## ASSIGNED FOR:

cc: Mr. & Mrs. John Smith

WEDNESDAY, FEBRUARY 15, 1989, at 10 a.m.

Petitioners

People's Counsel

Planning & Zoning

P. David Fields

" " "

Patrick Keller

Zoning Office

Robert Haines

" "

Ann Nastarowicz

" "

James Dyer

" "

Docket Clerk

Law Office

Arnold Jablon, Esq.

June Holmen, Secretary

11/14/88 - Following notified of hear. set for Wed. Feb. 15, 1989, at 10 a.m.:

Mr. and Mrs. J. Smith  
People's Counsel  
D. Fields, P. Keller  
R. Haines, A. Nastarowicz, J. Dyer, D. Clerk  
A. Jablon

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

November 2, 1988



Dennis F. Rasmussen  
County Executive

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
E/S Gunpowder Road, 2850' SW of Foreston Road  
(18601 Gunpowder Road)  
5th Election District, 3rd Councilmanic District  
JOHN AMOS SMITH, ET UX - Petitioner  
Case No. 89-84-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on October 14, 1988 by Phyllis Cole Friedman and Peter Max Zimmerman of the People's Counsel. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. John A. Smith  
18601 Gunpowder Road, Hampstead, Maryland 21074

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File